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CENTRAL FAX CENTER****SEP 10 2007****Remarks**

Applicant respectfully requests that this Amendment After Final Action be admitted under 37 C.F.R. § 1.116.

Applicant submits that this Amendment presents claims in better form for consideration on appeal. Furthermore, applicant believes that consideration of this Amendment could lead to favorable action that would remove one or more issues for appeal.

Claims 19, 36 and 52 have been amended. No claims have been canceled. Therefore, claims 1-32, 35-42, 45-48 and 52 are now presented for examination.

Claims 1-3, 5-7, 9, 10, 12-14, 16-22, 24-29, 31, 332, 35-37, 39, 41, 42, 45-48, and 52 stand rejected under 35 U.S.C. §102(c) as being anticipated by Kitahara et al. (U.S. Patent No. 5,583,316). Further, claims 4, 11, 23, 30, and 40 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kitahara. Applicant submits that the present claims are patentable over Kitahara.

Kitahara discloses a separated heat-generating element cooling device where the heat sink is affixed on a printed circuit board adjoining a heat-generating element. A heat pipe is laid between the heat sink and the heat-generating element. The heat pipe is affixed to the top surface of the heat sink and the other end is affixed to the heat-generating element. The heat pipe is formed in a flat fork-shape branching at the heat sink side so as to be directly struck by the cooling air from the fan unit and cool above a high heat emitting portion of the heat-generating element at the heat-generating element side. To house one end of the fork, the heat sink is formed with a space for fitting it where no pin-shaped cooling fins are provided. Fitting (56) has grooves for holding the heat pipe which push the heat pipe upward. Thus, the heat-generating element side is

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mounted on the top surface of the heat-generating element sandwiched in between a base plate affixed using for example an adhesive with a good heat conductivity and a fixing plate screwed to the base plate (Figures 45, 46 and 49).

Applicant submits that Kitahara fails to disclose or suggest attaching a heat pipe to a housing via a clamp as recited in the independent claims of the present application. The Examiner, however, asserts that the "member (56) shown in Figure 49 is a clamp since it clamps the heat pipe between member (2) and horizontal surfaces of the grooves (56a)." See Final Office Action at page 11, second paragraph.

Applicant respectfully disagrees with the Examiner's construction of Kitahara. Kitahara explicitly discloses element (56) as a fitting that is affixed to a heat sink (2) by fastening flanges (56c) together with a fan unit (3) to heat-radiating fins (4) or specially provided support columns positioned at four corners of the heat sink (2). Thus, the forked portion of the heat pipe (55) is sandwiched between the top surface of the heat sink (2) and the pipe holding grooves (56a). See Kitahara at Figure 49 and col. 23, ll. 30-43.

Moreover, applicant acknowledges the definition of a "clamp" recited in the Final Office Action. However, there is no disclosure in Kitahara of the element (56) functioning as a clamp based on such a definition. Particularly, there is no disclosure, or suggestion, in Kitahara of the element (56) functioning to *bind*, *constrict* or *press* two or more parts together. Instead, element (56) functions as a fitting to support a heat sink.

Additionally, the fitting is not a component of an air duct housing as recited in claim 1. Accordingly, independent claims 1, 9, 16, 19, 20, 28, 35-37, 45 and 52 are patentable over Kitahara.

Claims 2-8, 10-15, 17-18, 21-27, 29-32, 38-42 and 46-48 depend from claims 1, 9, 16, 20, 28, 37 and 45, respectively, and include additional limitations. Therefore, the invention as claimed in claims 2-8, 10-15, 17-18, 21-27, 29-32, 38-42 and 46-48 are similarly patentable over Kitahara.

Claims 8, 15, and 27 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kitahara et al. in view of Nelson (U.S. Patent No. 4,923,000). Applicant submits that the present claims are patentable over Kitahara even in view of Nelson.

Nelson discloses a fluid heat exchanger for cooling an electronic component including a housing having a fluid inlet and fluid outlet. Piezoelectric means are connected to a plurality of flexible blades for pumping fluid from the inlet to the outlet. A heat conductive structure is connected to the housing base for conducting heat to the fluid. The heat conductive structure may include the flexible blades and/or fixed metal fins. See Nelson at Abstract.

Nonetheless, Nelson does not disclose or suggest attaching a heat pipe to a housing via a clamp. As discussed above, Kitahara does not disclose or suggest attaching a heat pipe to a housing via a clamp. Since neither Kitahara nor Nelson disclose or suggest attaching a heat pipe to a housing via a clamp, any combination of Kitahara and Nelson would also not disclose or suggest such a feature. Thus, the present claims are patentable over Kitahara in view of Nelson.

Applicant respectfully submits that the rejections have been overcome, and that the claims are in condition for allowance. Accordingly, applicant respectfully requests the rejections be withdrawn and the claims be allowed.

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The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

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Respectfully submitted,
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